

Legislative Milestones

Legislation sponsored by *the* SILC and successfully passed into law,
with quick links by year:

[1998](#) / [2002](#) / [2003](#) / [2004](#) / [2005](#) / [2006](#) / [2007](#)

1998

Assistive Technology Warranty

[HB 617](#)

Introduced In: Judiciary, Rules and Administration Committee

This legislation made technical corrections to the list of assistive technologies exempted from coverage under the law.

Passed the House 66-0-4

Passed the Senate 34-0-1

Signed into law 3/20.98

Section 48-1402, Idaho Code

Sponsors: Kelly Buckland and Rep. Paul Kjellander

Independent Living Centers, Contributions

[HB 642](#)

Revenue and Taxation Committee

This legislation expanded independent living opportunities offered by Idaho's Centers for Independent Living to the State's citizens with disabilities (approximately 294,263) by providing a tax credit to Idaho citizens who donate funds to Idaho Centers for Independent Living (CIL's) thus encouraging Idahoans to donate to CIL's. Originally funded in Congress in 1981 under the Vocational Rehabilitation Act of 1973, as amended, CIL's provide Idahoans with the benefit of services offered to people with disabilities. These services enable people with disabilities to live at home, at a significantly lower cost to the State than if they were to live in institutions.

Passed the House 66-0-4

Passed the Senate 32-0-3

Signed into law 3/20/98

Section 63-3029C, Idaho Code

Kelly Buckland and Rep. Dave Bivens

Vulnerable Adult, Abuse

[HB 721aaS](#)

Judiciary, Rules and Administration Committee

This legislation provided protection to vulnerable adults, who are residents of private care facilities, against unreported unlawful abuse or sexual assault. Prior to this legislation there were no penalties in place for those operators who did not report infractions to local law enforcement agencies; therefore, many instances of personal injuries were never reported to

the police and by the time the Commission on Aging involved the police, much of the physical evidence had been lost. This law outlined a time period to report any physical injuries or sexual assault and imposed penalties upon the owner of the facility for failure to report within the prescribed time period.

Passed the House 63-2-5

Passed the Senate 34-0-1

Signed into law 3/25/98

Section 39-5303, Idaho Code

Kelly Buckland and Rep. Paul Kjellander

Vehicles, Exemption from registration for certain mobility devices

[SB 1466](#)

Transportation Committee

This legislation made changes to the Motor Vehicle Code to exempt from licensing requirements conveyances such as three-wheeled bicycles, scooters, golf carts, lawn mowers, etc. which are used by people with disabilities to access their community. People with disabilities using these conveyances have been ticketed in the past for not licensing the above described vehicles.

Passed the House 35-0-0

Passed the Senate 61-0-9

Signed into law 3/24/98

Section 49-426, Idaho Code

Kelly Buckland and Sen. Cecil Ingram

2002

Child Custody – Disabled Parent

[HB 577](#)

Health and Welfare Committee

This legislation succeeded after ten years of hard work to revise the child custody laws that routinely discriminated against parents with a disability. Idaho child custody laws reflected the historical bias against parents with disabilities and presented an unrealistic view of parents with disabilities by their referral to having a disability as a factor in a parent's ability to raise their children. Such references implied that parents with disabilities were incapable of properly caring for their children. Many parents with significant disabilities provide excellent care and stable homes for their children with the assistance of family, friends, and neighbors. The legislation removed from divorce and separation law, inappropriate disability language and built in language that granted the parent with a with a disability the right to present evidence and information regarding the manner in which the use of adaptive equipment or supportive services enabled the parent to carry out the responsibilities of parenting the child. This legislation also prohibited discrimination based on disability and created an evaluation system that took into consideration the use of adaptive equipment and supportive services.

Passed the House 65-0-5

Passed the Senate 30-0-5

Signed into law 3/22/02

Rights of a Parent with a Disability

[HB 579](#)

Health and Welfare Committee

This legislation succeeded after ten years of hard work to discrimination towards a parent with a disability. This legislation succeeded after ten years of hard work to revise the child custody laws that routinely discriminated against parents with a disability. Idaho child custody laws reflected the historical bias against parents with disabilities and presented an unrealistic view of parents with disabilities by their referral to having a disability as a factor in a parent's ability to raise their children. Such references implied that parents with disabilities were incapable of properly caring for their children. Many parents with significant disabilities provide excellent care and stable homes for their children with the assistance of family, friends, and neighbors. This legislation removed from adoption, termination of parental rights and guardianship law inappropriate disability language and built in language that granted the parent with a disability the right to present evidence and information regarding the manner in which the use of adaptive equipment or supportive services enabled the parent to carry out the responsibilities of parenting the child. This legislation prohibited discrimination based on disability and created an evaluation system that took into consideration the use of adaptive equipment and supportive services.

Passed the House 67-0-3

Passed the Senate 35-0-0

Signed into law 3/22/02

Section 15-1-1201, Idaho Code

Section 15-5-202, Idaho Code

Section 15-5-204, Idaho Code

Section 16-1501, Idaho Code

Chapter 15, Title 16, Idaho Code (added Section 16-1501B)

Section 16-1504, Idaho Code

Section 16-1506, Idaho Code

Section 16-2002, Idaho Code

Section 16-2005, Idaho Code

Section 16-2007, Idaho Code

Section 16-2008, Idaho Code

Kelly Buckland

Building Code

[HB586](#)

Business Committee

The 2000 Idaho Legislature, in HB611, directed that revisions be made to Title 39, Chapter 41 of the Idaho Building Code Act in order to adopt the 2000 International Building Code and to incorporate the accessibility guidelines of the Americans with Disabilities Act and the Fair Housing Act. This legislation entails a complete review and revision of the Idaho Building Code Act, focuses on meeting ADA requirements and clarifying the roles of the Division of Building Safety and local governments relative to the adoption and implementation of the 2000

International Building Code. Although the legislation did not require a statewide building code, it required uniformity among local jurisdictions that choose to adopt and enforce building codes.

Passed the House 50-13-7

Passed the Senate 30-0-5

Signed into law 3/27/02

Chapter 32, Title 39, Idaho Code

Chapter 41, Title 39, Idaho Code

Chapter 23, Title 44, Idaho Code

Kelly Buckland, Rep. Lee Gagner, Jack Rayne (ID Building Code Advisory Board), Ken Harward (Assoc. of Idaho cities), Jim Storey (ID Assoc. of Building Officials), John Eaton (Building Contractors Assn of SW ID), Ron Williams (ID Building Contractors Assn.)

2003

Parental Rights

[HB 160](#)

Health and Welfare Committee

In early 1999 the Idaho SILC established the Committee for Fathers and Mothers Independently Living with their Youth (FAMILY). The committee was created to: 1) remove from current law and inappropriate disability language, 2) build into current law protections against discriminatory actions because of a parent's disability in child custody legal proceedings and, 3) create an evaluation system that is consistent and takes into consideration the use of adaptive equipment and supportive services. The Committee for FAMILY was comprised of state legislators, an attorney with family law expertise representing the Idaho Bar Association, state Family and Children's Services officials, the director of the Protection and Advocacy System, representatives of disability advocacy groups, Grandparent's as Parents and Idaho Parents Unlimited. Legislation was introduced and passed in the 2002 Idaho State Legislature that amended the law regarding the termination of parental rights for parents with disabilities. This legislation amended language that was not amended during that legislative session.

Passed the House 42-24-4

Passed the Senate 32-3-0

Signed into law 4/8/03

Section 16-2005, Idaho Code

Kelly Buckland

Child Protection, Disabled Parents

[HB 167](#)

Health and Welfare Committee

Families in which one or both parents have a disability face significant barriers as they attempt to raise their children. These barriers include: 1) attitudinal barriers, 2) lack of information about parenting adaptations, 3) lack of funding for adaptive technology, 4) exclusion from public policy considerations, and 5) lack of disability expertise in service systems. Idaho child

protection laws reflected the historical bias against parents with disabilities and present an unrealistic view of the disability community by their constant referral to having a disability as a factor in a parent's ability to raise their children. Such references imply that parents with disabilities are incapable of properly caring for their children. It is seldom a person's disability that inhibits a person's capacity to provide a stable and loving home for children. Rather, it is a lack of disability related supports for a parent with a disability that results in an unstable home environment. Many parents with significant disabilities provide excellent care and stable homes for their children with the assistance of family, friends and neighbors. Factors that should be considered in child protection cases include abuse, neglect, abandonment, etc., regardless of whether the parent has a disability. This legislation: 1) removed from (then) current law any inappropriate disability language and 2) built into current law protections against discriminatory actions because of a parent's disability in child protection legal proceedings. Based on information provided by Through the Looking Glass, a National Resource Center for Parents with Disabilities, there are over 8.1 million U.S. families, or 10.9 percent of families with children in which one or both parents have a disability. Based on these figures, the proposed legislation had a positive impact on an estimated 14,750 Idaho families.

Passed the House 42-21-8

Passed the Senate 33-2-0

Signed into law 4/14/03

Section 16-1601, Idaho Code through Section 16-1603, Idaho code

Section 16-1608, Idaho Code – Section 16-1609 and Section 16-1609A, Idaho Code

Section 16-1610, Idaho Code

Section 16-1615, Idaho Code

Kelly Buckland

Parking Spaces, Disabled Persons

[SB1078](#)

Transportation Committee

The purpose of this legislation was to increase the availability of designated accessible parking places for those who are qualified to use them. Fines for unauthorized parking were increased from \$50 to \$100. The legislation also added a fine not to exceed \$1,000 for unlawful possession, use, and distributing or manufacturing. Cities and counties were projected to realize revenue increases commensurate with the level of violations and enforcement action taken.

Passed the House 28-4-3

Passed the Senate 65-4-1

Signed into law 3/21/03

Section 49-213, Idaho Code

Section 49-410, Idaho Code

Kelly Buckland, Sen. Cecil Ingram, Mike Keithly, Charles Chapin

2004

Idaho State Independent Living Council (SILC)

[HB 711](#)

State Affairs Committee

The Rehabilitation Act Amendments of 1992 were signed into law in October of 1992. One of the requirements was the establishment of State Independent Living Councils (SILCs). The Idaho SILC was created by Executive Order 93-01 in 1993. The Federal Rehabilitation Act pertaining to the establishment and the placement of the SILCs requires: "The SILC may not be established as an entity within a state agency, including the designated state agency or Designated State Unit (DSU). The SILC shall be independent of the DSU and all other state agencies. Although funds may flow through the DSU either directly to the SILC or another entity operating under grant or contract supporting the SILC, nothing in the grant or contract can serve to limit the independence of the SILC." By changing the placement of the SILC this legislation brought the SILC into compliance with federal law and was supported by the Governor's Office, the Idaho SILC, the Idaho Commission for the Blind and Visually Impaired and the Division of Vocational Rehabilitation. The structure of the SILC, its By-Laws and rules of operation remained the same and the Governor continues to make the appointments of all Council members.

Passed the House 70-0-0

Passed the Senate 35-0-0

Signed into law 3/24/04

Title 56, Idaho Code (added Chapter 12, Title 56, Idaho Code)

Kelly Buckland

2005

Persons with Disabilities

[HB 249](#)

State Affairs

A task force, spearheaded by the Idaho State Independent Living Council (SILC) and the Idaho Task Force on the Americans with Disabilities Act (ADA), with members drawn from disability organizations, the state legislature, state government, city and county representatives, businesses, employers, and the Governor's office, worked to develop this legislation over a period of a year and a half. The legislation 1) strengthened the Human Rights Act by adding disability to the current prohibitions of discrimination in connection with public accommodations (private businesses); 2) provided user friendly, one-stop destination for businesses and people with disabilities to easily access mediation and/or enforcement on a local level through the Human Rights Commission; 3) allowed better access to persons with disabilities while recognizing the legitimate needs of Idaho's private businesses; 4) defined "readily achievable" as something that a private business can do without much difficulty or

expense; and 5) added to state law those obligations already applicable to private businesses under federal law. Government entities were not affected by the changes regarding places of public accommodation.

Passed the House 64-3-3

Passed the Senate 34-0-0

Signed into law 4/5/05

Section 67-5901, Idaho Code through Section 67-5903, Idaho Code

Section 67-5909, Idaho Code through Section 67-5911, Idaho Code

Kelly Buckland

2006

Medicaid Eligibility – Disabled Worker

[HB 664](#)

Health and Welfare Committee

This legislation created a Medicaid for Workers with Disabilities (formally known as Medicaid Buy-In) program for Idahoans with disabilities. Medicaid for Workers with Disabilities helps transition people to work by permitting them to receive Medicaid while working. For people (then) currently on Medicaid, there was no incentive to work more than part-time, because if they earned even one dollar too much, they lost their Medicaid coverage. That coverage pays for the supports and services that people with disabilities need to work. With the Medicaid for Workers with Disabilities program, when the eligible person goes to work, they pay a premium, based on a sliding scale enabling them to retain their coverage. The program encourages self-sufficiency and independence instead of trapping people in dependence and poverty. Many people on Medicaid went to work and recognized that employment is the way to end dependence. However, because of the cost of their support needs and the fact that most employers provide no insurance coverage for those supports, they were forced to curtail their work hours to keep their Medicaid benefits. The Medicaid for Workers with Disabilities program helped them gradually leave or lessen their reliance on Medicaid while increasing their work hours and income. The program enabled people with disabilities to be contributing, tax paying citizens. The implementation date for this program was January 2007.

Passed the House 65-0-5

Passed the Senate 35-0-0

Signed into law 3/23/06

Chapter 2, Title 56, Idaho Code (added Section 56-209n, Idaho Code)

Kelly Buckland, Rep. Kathie Garrett, Sen. Dick Compton, Sen. Shawn Keough

2007

Personal Assistance Services

[HB 167](#)

Health and Welfare Committee

This legislation clarified the difference between a Personal Assistance Services Agency and a Fiscal Intermediary Agency. Fiscal Intermediary services were developed to give consumers of personal assistance services control over their employees. However, the way the legislation was written, agencies or organizations providing fiscal intermediary services were forced to become personal assistance services agencies first. This created a conflict for the agencies, consumers, and the Idaho Department of Health and Welfare. There were also changes in the legislation to make the administration of the Personal Assistance Services program less complicated.

Passed the House 66-0-4

Passed the Senate 34-0-1

Signed into law 3/27/07

Chapter 56, Title 39, Idaho Code

Section 39-5602, Idaho Code

Section 39-5603, Idaho Code

Section 39-5607, Idaho Code

Section 39-5609, Idaho Code

Kelly Buckland

Disability History Month

[HCR 22](#)

Education Committee

Establishing Disability History Month will increase the awareness and understanding of the history and contributions of people with disabilities and the disability rights movement among the general population. This Concurrent Resolution encouraged public and private schools to designate the month of October as disability History Month and to provide instruction on disability history, people with disabilities, and the disability rights movement without creating a burden, fiscal or otherwise; and encourage activities that provide education, awareness and understanding of disability history. This Concurrent Resolution will increase understanding, respect, promote acceptance and inclusion, inspire students with disabilities to keep trying to achieve their goals and to feel a sense of pride.

Adopted by the House 3/5/07

Adopted by the Senate 3/9/07

Signed by the President 3/13/07

Sent to the Secretary of State 3/14/07

Kelly Buckland, Representatives Block, LaFavour, Shirley, Nielsen, Ringo,
Loertscher, Boe and Bock, Senators Coiner and Burkett